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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

Imperial Pacific International (CNMI) LLC,  
Best Sunshine International Ltd.:

## Plaintiffs,

Vs.

Commonwealth of the Northern Mariana Islands, Commonwealth Casino Commission, Edward C. Deleon Guerrero, Chairman of CCC, in his official and personal capacities; Rafael S. Demapan, Vice Chairman of CCC, in his official and personal capacities; Mariano Taitano, Commissioner of CCC, in his official and personal capacities; and Does 1-5, all inclusive:

#### Defendants.

Case No. 24-cv-00002

**RESPONSE TO MOTION TO  
DISMISS BY DEFENDANTS  
EDWARD C. DELEON GUERRERO,  
RAFAEL S. DEMAPAN, MARIANO  
TAITANO, MARTIN MENDIOLA,  
RAMON DELA CRUZ**

Judge: Hon. David o. Carter

## **STATEMENT OF RELEVANT FACTS**

On February 23, 2024, Plaintiff IPI filed the Complaint in the above captioned case. (ECF No. 1).

On April 25, 2024, Defendants Edward C. Deleon Guerrero, Rafael S. Demapan, Mariano Taitano, Martin Mendiola, and Ramon Dela Cruz filed a motion to dismiss under 12(b) (6). (ECF No. 25).

On May 9, 2024, Plaintiff IPI amended the Complaint (FAC) in the above captioned case for the first time. (ECF No. 26).

The FAC dismissed Defendants Martin Mendiola, and Ramon Dela Cruz as defendants from the above captioned case.

## APPLICABLE RULES

Under Federal Rules of Civil Procedure, a party may “amend its pleading once as a matter of course” “21 days after service of a motion under Rule 12(b), (e), or (f).” Fed. R. Civ. P. 15(a)(1)(B).

“It is well-established in [the Ninth Circuit] that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’” *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), overruled on other grounds, *Lacey v. Maricopa County*, 693 F.3d 896, 927-28 (9th Cir. 2012)) (citing *Valadez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011)). “In other words, ‘the original pleading no longer performs any function....’” *Id.* (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)).

## CONCLUSION

The FAC filed by IPI superseded its Complaint, therefore the motion to dismiss filed by Defendants Edward C. Deleon Guerrero, Rafael S. Demapan, Mariano Taitano, Martin Mendiola, and Ramon Dela Cruz is moot.

Dated: May 8, 2024  
Saipan, CNMI

Respectfully submitted,

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